THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4485 of 2007

Date: 17.04.2007

Between:

N.K.K.Metal Industry.

....Petitioner

And

The Assistant Director (Electricity).

.Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4485 of 2007

O R D E R:

The petitioner is a lessee, for quarrying stone and metal, over the land in Survey No.278 of Bollaram Village, Jinnaram Mandal, Medak District. It is extended power supply through Service Connection No.983. The petitioner states that the power supply was disconnected by the respondent on 12.01.2007, without furnishing any reasons and without issuing any notice. It seeks a direction to the respondent to restore the power supply.

At the stage of admission, the learned Standing Counsel for the respondent obtained instructions. It is stated that on expiry of the lease in favour of the petitioner, the authorities of the Department of Mines and Geology requested the respondent, to disconnect the power supply, to ensure that the petitioner does not carry on the mining operations and in that view of the matter, the power supply was disconnected.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

It is true that the respondent is under obligation to issue notice, furnishing the reasons, before the power supply to a consumer is disconnected. While the petitioner asserts that no such notice was issued, the respondent had placed before this Court, a copy of the notice said to have been issued to the petitioner. It ultimately emerges that the power supply was disconnected, in view of the expiry of lease in favour of the petitioner and absence of renewal.

The very basis for extending power supply to the petitioner was the existence of a mining lease. Once the lease has expired, the petitioner does not have any right to insist on continuance of power supply. Even assuming that there was any lapse on the part of the respondent, before the power supply was disconnected, this Court cannot take the same into account, because such a course would enable the petitioner to carry on the mining operations, even after expiry of lease. This much, however, can be said that the petitioner is entitled for restoration of power supply, as soon as the lease is renewed.

Hence, the Writ Petition is disposed of, directing that

the respondent shall restore the power supply to the petitioner, whenever the lease is renewed in its favour. There shall be no order as to costs.

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17.04.2007

JSU